

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 1057

By Senator Woodrum

[Introduced February 21, 2026; referred
to the Committee on Government Organization]

1 A BILL to amend and reenact the Code of West Virginia, 1931, as amended, by adding a new
 2 article, designated §16-2S-1, §16-2S-2, §16-2S-3, §16-2S-4, §16-2S-5, §16-2S-6, §16-
 3 2S-7, §16-2S-8, and §16-2S-9, relating to authorizing green burial and natural burial;
 4 defining “natural burial”; permitting cemeteries to offer green burial options; establishing
 5 minimum public health standards; clarifying that funeral director licensure is not required
 6 for natural burial; and limiting regulatory authority to prevent professional or trade-
 7 association control.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2S. GREEN BURIAL AND NATURAL BURIAL.

§16-2S-1. Legislative findings and purpose.

- 1 (a) The Legislature finds that:
- 2 (1) Families increasingly seek burial options that minimize environmental impact, respect
- 3 religious or personal beliefs, or reduce cost;
- 4 (2) Natural burial and green burial practices are widely recognized and safely practiced in
- 5 many states;
- 6 (3) Public health can be protected through objective standards without mandating
- 7 embalming or funeral-director involvement; and
- 8 (4) Burial practices should not be restricted by professional licensure where no compelling
- 9 public-health justification exists.
- 10 (b) It is the intent of the Legislature to:
- 11 (1) Expressly authorize natural burial in West Virginia;
- 12 (2) Preserve family choice and religious liberty;
- 13 (3) Ensure public-health protection through clear statutory standards; and
- 14 (4) Prevent monopolization or professional capture of burial practices.

§16-2S-2. Definitions.

1 For purposes of this article:

2 "Natural burial" or "green burial" means the disposition of human remains by burial without
3 embalming fluids, vaults, liners, or other non-biodegradable materials, using biodegradable
4 containers or shrouds.

5 "Burial container" means a biodegradable casket, coffin, or shroud.

6 "Cemetery" means any cemetery lawfully operating in this state, including conventional
7 cemeteries that elect to permit natural burial.

8 "Disposition" means the burial of human remains.

§16-2S-3. Authorization of natural burial.

1 (a) Natural burial is lawful in this state.

2 (b) A cemetery may elect to permit natural burial without additional licensure, certification,
3 or approval beyond that required to operate as a cemetery.

4 (c) No cemetery is required to offer natural burial.

§16-2S-4. Funeral director involvement not required.

1 (a) A licensed funeral director or embalmer is not required for:

2 (1) Natural burial;

3 (2) Transportation of unembalmed remains for natural burial; or

4 (3) Burial conducted in accordance with this article.

5 (b) Nothing in this section prohibits a family from voluntarily engaging a licensed funeral
6 director.

7 (c) The Board of Funeral Service Examiners shall have no regulatory authority over natural
8 burial practices authorized by this article, except as expressly provided by statute.

§16-2S-5. Public health standards.

1 (a) Embalming is not required for natural burial.

2 (b) Burial shall occur within a time period sufficient to protect public health, as established
3 by statute or general public-health law.

4 (c) The Department of Health may intervene only where:

- 5 (1) There is a documented risk of communicable disease; or
- 6 (2) An emergency public-health declaration is in effect.
- 7 (d) No rule may impose requirements that effectively prohibit natural burial.

§16-2S-6. Cemetery authority and limitations.

- 1 (a) Cemeteries may adopt reasonable operational rules for natural burial, including:
- 2 (1) Grave depth;
- 3 (2) Recordkeeping; and
- 4 (3) Location within the cemetery.
- 5 (b) Cemeteries may not require embalming, vaults, or non-biodegradable containers as a
- 6 condition of natural burial.

§16-2S-7. Prohibition on professional or trade-association control.

- 1 (a) No professional licensing board, trade association, or private accrediting body may:
- 2 (1) Prohibit natural burial;
- 3 (2) Require licensure as a condition of natural burial; or
- 4 (3) Impose standards not expressly authorized by statute.
- 5 (b) Any rule or policy inconsistent with this article is void.

§16-2S-8. Prohibition on professional or trade-association control.

- 1 (a) This article shall be liberally construed to effectuate family choice, religious freedom,
- 2 and lawful disposition of human remains.
- 3 (b) Nothing in this article limits:
- 4 (1) Criminal law;
- 5 (2) Vital records requirements; or
- 6 (3) Generally applicable public-health authority exercised in emergencies.

§16-2S-9. Effective date.

1 This act shall take effect 90 days from passage.

NOTE: The purpose of this bill is to authorize green burials and natural burials.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.